

# EXHIBIT G

as I can research and hand copy case law Constitutional  
Law and Civil and Criminal ~~Law~~ Court Rules  
as required To file effective Civil Action  
as well as defend my self in Criminal Court

The following are some of actions That are  
To be filed and court errors and constitutional  
questions of law and rights and prisoner rights

I ineffective Counsel Super Court

(A) The State Failed To keep a commitment  
concerning sentence recommendations

(B) Pre Sentence Report was not seen by me  
There For I could not explain or deny band USCA

(C) Victim impact statements or other statement  
used at and for Sentencing were not heard by me

(D) Pre Sentence report may be incomplete  
where my son my neighbors my mom were not questioned

(E) This form shows 2-5 year presump 10 considered

This filled out in attorney's hand writing Mandatory X out

(F) Counsel failed To give mitigating facts as required

(G) counsel failed To properly investigate evidence proof

(H) Counsel failed To show porn addiction and The help I sought for This problem no collections

(I) no fact That I was a single father for 9 years

(J) Abuse of a Search Warrant Det Wood against

my will questioned my son 9 year old sexual question got caught

by my sister, against 118 2301 10/10/04 Family Court 5(B) This

was rummaging and Property had not been removed I was not

under arrest no adult present my son would have been my

witness a Flagrant abuse of Power Scared my son detained

(K) Prosecution Lied 3 Times in court Det Wood Lied 1

Time and purposely deceived about 1 homosexual photo only

(L) My Counsel Totally unprepared as paid counsel stating she can handle it and she could not Totally incompetent affected The plea

(m) questioned me during search warrant no meranda

(n) Accuser had no lie detector if she had she would fail

(o) immunity Laws Perjury of accuser and mother  
of accuser and abstrution of Justice by accuser &  
accusers mother self incrimination Laws

(P) Constitutional Questions of Law

(1) Striped of Voting Wright 1<sup>st</sup> Amd USCA

(2) Striped of Del Driver Licence Above The Plea and

sentencing Guide lines no crime To account For Punshment

Law not rational legitimate State intrest

(3) Classification in a Violant Feloney. ~~Not~~ admitted

or Found guilty is above guide lines adds punshment

after Sentencing and Prison Changes after Sentencing

and has additional Punshment after Sentencing

in The Point system as well as Time in Guidelines

## Constitutional Questions of Law

- (4) Del Code 11 § 270 allows for married people to escape prosecution equal protection USCA Liberty
- (5) Del Code 13 § 123 allow one to marry without age limits
- (6) Knowing 11 § 762 defined 11 § 231 12 years and up
- (7) defence of consent victim participation 11 § 451
- (8) Construction of Provisions Delcode 11 § 308 equal Protection
- (9) Liberty USCA 14 amended under Lawrence v Texas Age
- (10) extortion force fear threats of the Plea System and the direct association with the inflated guideline and braud punishment non violent less punishment
- (11) Violant and non Violant crime class not rational
- (12) Moral Law Lawrence v Texas International Law
- (13) Question of mandatory Sentencing Apprehendi Fairness
- (14) The Competance of sentencing Commission only 1 defence attorney in 11 unfair

- (15) Depict This word is making not looking usen
- (17) international Law State law association To Moral Law and The Legitimat state interest
- (18) Looking at Photos USCA moral Law rational
- (20) Down loading knowling I dont know whats comming
- (21) Age in States and internet international age of consent
- (22) appeals court rules Law how To appeal 61 motion
- (23) Supream court rules Laws Forms appeals
- (24) Fileing constitutional sutes Supream Court Cirtification
- (25) damage done To Families verses moral Law and accomplice in crime willing participant or accomplice
- (26) Judges record of accepting pleas on criten crimes prejudice in Type of crime and accoation To plea acceptance for sex crimes Superior Court

in my Federal Court Case 05-84-JJF

- ① denial of access To The Courts, ⑥ amendment
- ② denial of religious services, ③ privileges, ④ Law Library,
- ⑤ Greivance system with no remedy, ⑦ Medical request unheard no remedy, ⑧ no Mental health help
- ⑨ Retalation For filing greivances
- ⑩ Tampering with Food, ⑪ impeding legal action,
- ⑫ Retalation To stop legal action, ⑬ Constitutional rights of prisoners, ⑭ Wistel Blower Status for officer witness
- ⑮ Supena's For Witnesses, Court Appointed Master, ⑯ Medical records Greivance records
- ⑰ Court Rules For District Court and ⑱ Court of appeals
- ⑲ Supream Court ect none of This Law Do I know or can fully under stand with out "Research" This is some aspects There are more as The Court is aware

# **EXHIBIT H**



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

In Re: :  
MONTY PEPPER : C.A. No. 05M-11-009 RBY  
:

**ORDER OF REFERENCE**

This 17 day of November, 2005,

**IT IS ORDERED** that the Petition for Return of Property in the above matter is referred to Superior Court Commissioner Andrea M. Freud for proposed findings and recommendation pursuant to 10 *Del. C.* § 512(b) and Superior Court Civil Rule 132.

  
\_\_\_\_\_  
Judge

oc: Prothonotary  
cc: Hon. Andrea M. Freud  
Attorney General's Office  
Petitioner  
File

my  
copy

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

Monty Pepper Petitioner

vs.

State of Delaware

Respondent

C.A. No. \_\_\_\_\_

Jury Trial Demanded:

yes ☒ no ☐

PETITION FOR RETURN OF PROPERTY

Pursuant to 16 Del.C. § 4784 (j) and Superior Court Civil Rule 71.3, Claimant petitions the Court for return of property seized pursuant to 16 Del.C. § 4784.

1) (a) Name of Claimant Monty Pepper

(b) Address D.C.C. 1181 Paddock Rd  
Smyrna De 19977

(c) Telephone Number NA

2) Description of the property sought to be returned:

Computers CD Rom Drive maddog  
Floppies CDs other  
property As To warrant inventory  
case no 0402012084 04101017318

3) Description of your ownership/interest in the property and how you acquired it:

purchased Dell new From Dell  
other's Auction CDrom maddog new  
officemax Floppys ? used/new

IN AND FOR KENT COUNTY

State of Delaware

ACTION #

✓ Respondent

Monty C Pepper

Petitioner

ID no #

Case no 0402012084

Case no 0401017318

## MOTION TO

## To Hold and/or Return Property

Now Comes Monty Pepper Pro Se Do here by request The court To stay The disposal of property held by The State, seized Jan/22/2004 by DecT. Wood by a warrant of search and seizure pursuant To 11 DelC 2301 AT resident of 228 Golden Rd Felton Del 19943

Property in question numerous Computers Software CD Rom Drive Floppies other as set in warrant inventory I need To obtain inventory list

AT Plea Colloqui Beth Savitz asked For computers To be returned verbally - - indicating That I wanted property Returned on 8/16/2004 "saying That I wanted my son's Computers returned"

On 10/12/2004 I fired Beth Savitz as counsel due To her ineffective counsel

The office of Disciplinary Counsel has been contacted To investigate Beth Savitz 10/10/2005 - +

From 10/1/2004 To 4/30/2005 DCC denied Legal calls To attorney's and impeded my access To Law Library and Legal material, no access To counsel from 10/1/2004 To 2/ /2005

I asked Sheryl Rush Milstead esq Public Defender in a letter on Apr 5 2005 She states The Plea agreement controls and colloquy clearly sets forth The agreement That all such property shall be forfeited , yet at Colloquy a verbal request was made

Prior To Plea I indicated That I wanted my son's computer's and other Property returned This is what was Told To Beeth Savitz

Del code 11 § 2311

a determination independent of a guilty verdict The statute permits for forfeiture only if The property was used in The commission of a crime and That requires a determination made independently of a guilty verdict

waver of jury There after defendant should be accorded an opportunity To elect a Trial by jury on The use issue if The defendant fails To demand such Trial The defendant should be deemed To have waived it 331 A2d 385

AT Colloqui The demand for computer was made clear

Due process requirements when forfeiture is sought. The state should be obligated to file prior to trial: as part of the criminal action on appropriate pleading or request so that notice and other procedural requirements of due process may be met.

Beth Savitz made no attempt to inform me of my rights to property even after repeated request. Knowing that the property was not used in the commission of a crime as described in 11 § 2311.

At sentencing again I made note of property and the obstruction to law library and legal material which made it impossible to find my rights to or file Return of Property Petition.

Beth Savitz also failed to inform the court or take proper action to DecT Woods abuse of a warrant by illegally questioning my 9 year old son without my permission.



with out a adult present asking sexual  
questons agenST his specific warrant  
agenST 11 Delcode 2301 and 10 Delcode 1004  
Duties of a officer and Family Court - -  
Criminal Procedure Rule 5 (b) DeT Wood  
atTeMpted To do This securitly during  
The search and was caught by my sister  
This illegal act was done knowing That  
my son would be my witness at a Trial  
inThe act of seperating me from my  
son shows a conspired act between  
DeCT Wood and other officers who used Their  
Police powers To seperate us yet I was  
not accused of a crime.

This is a abuse of a search warrant  
and a abuse of Police Power agenST my  
constitUTIONal rights 1<sup>st</sup> 6<sup>th</sup> 14<sup>th</sup> amendments  
and 11 Delcode 2301 search and seizure  
Due To D.C.C Restricting my access To  
Law material I as Pro Se unexperienced  
liTigant and only 5 1/2 hour a week

To research Law & Action on 326 & 61 under Rights That were violated and Constitutional questions of law as well as certification of Law and rational question of Legislation will be presented at The earliest date possible

Also due To The Constitutional Rights part mentioned in This motion Those Rights That Delaware Correctional Center has abridged and abuse I have received as described in Civil action No 05-084-JJF case 1:05-cv-00084-JJF my ability To make Timely motions has been greatly impeded

The Knowledge of Return of Property Petition was made To me Dec 14 04 being restricted from law library impeded my ability To file



## Rule 40 criminal forfeiture

Motion for forfeiture when The state seeks To forfeit property of a person charged with a criminal offense pursuant To a statute authorizing a criminal forfeiture such as 11 Del Code 1506 11 Del Code 2324 it shall file a motion for forfeiture not later Than 20 days before a Trial of The of The criminal offence The motion shall allege The factual and legal basis for forfeiture and The extent of The interest of property subject To forfeiture

I was not presented with a motion and was not informed of a motion before The Trial date of 8/16/04 .The statement at colloqui That I wanted my sons computers returned made it clear To The court and

The State I wanted my property  
returned Beth Savitz was also Told  
This was only one of many mistakes  
made by Beth Savitz Esq

11 Del Code 5122 Empowers The Supreme Court  
To rule : any inconsistency between Delcode  
and rules of Criminal procedure must  
be resolved in favor of The rules

859 A2d 624 2004

Conclusion

I Ask The court To hold property or return property That was not included in a criminal charges as 11 § 2311 Del Code requires, To be given To my son Matthew Pepper AT 1808 berry-Town Rd Felton Del 19943 and guardian of

I Ask The court To stay disposal of property untill I can file in Forma Pauperis and obtain copys of Colloqui and actual proceedings and file under 16 DelC § 4784 which Beth Savitzesq failed To do and or aT filing of a 32 b or 61 post conviction and The investigation compleation by Disciplinary Counsel

OCT 28 2005

Pro Se

Monty Pepper

P.C.C

1181 Paddock Rd

Smyrna Del

19977

## VERIFICATION

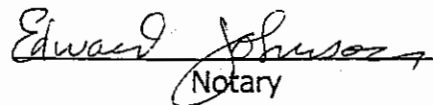
STATE OF DELAWARE:  
NEW CASTLE COUNTY: SS.

Comes now monty Pepper, and having been sworn according to law deposes and says that he/she is the Petitioner in the foregoing Petition for Return of Property and that the matters stated in said Petition are true and correct to the best of his/her knowledge, information and belief.

  
Signature

Date: OCT 28 05

Sworn to and subscribed before me this 28 day of OCT., 05.

  
Notary

# EXHIBIT I

879 A2d 1111 2005- Visual Depict 10.13  
Dec 15-

1 Criminal Law Key 1139 Jonathon Moore v ST Magglo

interpretation of a Statute is a question of Law  
and Therefore a Court of Appeals reviews The  
Circuit Courts decision interpreting a statute de novo  
upon a grant of Certiorari

Holding Upon a grant of Certiorari The Court of Appeals  
Raker v held that the phrase "to use a computer to depict  
or describe" as used in statute providing that  
a person may not use a computer to depict  
or describe a minor engaging in a obscene act  
sodomasochistic abuse or sexual conduct mean to  
use a computer to "create" not use a computer to  
download and thus a person who downloads visual  
representations of a minor engaged in obscene act or  
sexual conduct does not violate the statute

Statutes Key 181 (1)

2 The cardinal rule of statutory construction is to  
ascertain and effectuate the intent of the legislature

Statutes Key 184 188 190

3 To ascertaining Legislative intent of a statute

First examines The plain Language, if The plain Language  
is unambiguous and consistent with The apparent purpose  
of the statute, it gives effect to The statute as it is  
written

"unreasonable application" of precedent

"clearly established" standard  
COURTS 100

2 exceptions to Teague doctrine of non retroactivity

1 The rule places a class of private conduct beyond the power of the state to proscribe and when the rule is a watershed rule that implicates the fundamental fairness and accuracy of the criminal proceeding.

Supreme Court's decision in *Lawrence v Texas* holding that states could not make enact law that criminalized homosexual sodomy between adults "did not announce new rule of criminal procedure as to be subject to "Teague" retroactivity analysis but instead announced new substantive rule that applied retroactively on fed habeas review 28 USC § 2254

(12) Basically *Lawrence* ~~made~~ <sup>made</sup> no new fundamental right to sexual conduct —

*Lawrence* is a new substantive rule and is thus retroactive *Anderson v Marro* 371 F3d 1022 2004

412 F3d 818

274.5 (2002)

Due process Clause does not permit a state to infringe on the fundamental right of parents to make child rearing decisions simply because a state believes a "better" decision could be made USCA Const Amend 14

Pa 2003 274.5

where laws infringe upon certain rights considered fundamental such as right to privacy right to marry and the right to procreate courts apply strict scrutiny test for purpose of substantive due process analysis under that test law may only be deemed constitutional if it is narrowly tailored to compelling state interest

Nixon v Con 839 A2d 277 576 Pa 385

Law To Vary  
To PUT force and  
NOT in

nd 2003 274.5

certain fundamental rights are protected under the United States Constitution and among those rights are a parent's rights Fourteenth Amendment right liberty interest in raising his or her children as he or she see fit without undue interference by the state USCA Const Amend 14 Yves 819 A2d 1030

Rational basis test

Rule 32 super



Jan 24

Check v State 2000 WL 15085-78  
Der super citing Mayes v State 604 A2d 839  
842-243 Del 1992

Ward v State 562 A2d 1296 1297 Del 1989

Fink Lowered

788

Fink's possession of multiple photographs depicting  
CP constituted multiple violations of both the dealing  
and the possession statute. Each picture is a crime  
against the child depicted as well as an offense  
to society. Given the express intent of the  
General Assembly to prohibit (dealing)  
in individual items of material depicting child

P Fink argument that he could only be charged  
with one download or similar, with only one photo  
album were multiple picture appears within  
entire there for only count under 111109 (4) or  
1111 (1) fails to persuade us that trial judge  
erred

US v Francis 170 F.3d 546

10 : 10

Jan 24 06

Improper Comments so infected The Trial  
with unfairness as to make The resulting conviction  
a denial of due process

Jan 24 This

of CP pursuant to 1111(4) constitutes a lesser  
included offence of dealing with CP pursuant  
to 1109(4) and there fore is the same offense,  
under the Blockburger Test the Trial record  
reveals that over 190 images of alleged CP were  
presented to the Jury. The Jury could there for  
have easily found that 15 different pictures met the  
elements of dealing in CP and 15 other pictures  
met the elements of 'possession' of CP. The  
elements of dealing in CP

The dealing counts were not dependent upon images  
or depictions necessarily used for conviction of  
possession of CP. There for the rule against  
multiplicity, was not violated because the  
doubt Jeop Clause ~~was~~ is not implicated when  
multiple separate violations of the two  
distinct statutes are charge multiple counts

~~at~~ Jan 12:50

Double Jeopardy

when the same conduct violates two statutory provisions. The first step in a double jeopardy analysis is to determine whether the legislature intended that each violation be treated as a separate offense.

USCOST 1 COST AND 5

Double Jeopardy

Do Jco Claus = is not implicated when multiple separate violations of two distinct statutes are charged in multiple counts overly broad

where may have been overbroad

# EXHIBIT J

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MONTY C. PEPPER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-084-JJF
	)	
Warden THOMAS CARROLL, C/O	)	
BAMBI THOMAS, C/O JAMES	)	
GARDELS, C/O THOMAS SEACORD	)	
	)	
Defendants.	)	

**AFFIDAVIT OF ED JOHNSON**

I, Ed Johnson, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a Paralegal. I have been employed by the Department of Correction for 10 years. My duties include providing legal materials to inmates as requested in the main prison law library. This information is accessed through Westlaw or from existing files of the main Law Library. Also, I provide photocopies and notary service to inmates. I assist with managing and maintaining a file for each inmate regarding their legal requests for appointments for the law library. I have held this position since 1995.
2. In response to a request from the State of Delaware Department of Justice, I have obtained documentation relating to the frequency of inmate Monty Pepper's appointments at the law library, and the number of hours he has in the law library each week.
3. The main law library at DCC serves most of the approximately 2400 inmates at DCC, in addition to the requests sent by inmates at the Central Violation of Probation Center.

3. Inmates make appointments to use the main law library at DCC. They submit a request form for the days that they wish to use the library. They are then assigned an appointment time.

4. The main law library can accommodate up to twenty inmates at one time. The number is limited for space, supervisory and security purposes.

5. If an inmate has a court deadline he is allowed extra time in the law library. The inmate who has a court deadline of ten days to two weeks is given preference for appointments and is allowed as much time as needed in the library. A court deadline of sixty days hence is not considered urgent enough to give an inmate extra time in the library.

6. Inmates come to the law library at approximately 9:45 A.M. This is not considered a scheduled appointment time. For security reasons inmates who have appointments in the afternoon at the law library are brought over at 9:45 A.M. They are allowed to use the books and do research between 9:45 and 11:30 A.M. They then come back at 12 noon, after lunch, for their scheduled appointments, and are in the library from 12 noon to 2:20 P.M. This allows an inmate two hours and twenty minutes in the afternoon, and one hour and forty five minutes in the morning.

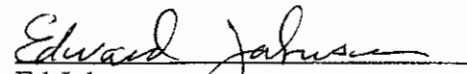
7. Inmate Pepper has sent in appointment requests for 40 law library appointments between August 5, 2005 and February 7, 2006.

8. He has been granted appointments and has had 40 appointments set up with the law library between August 5, 2005 and February 7, 2006. He has failed to appear for 11 appointments.

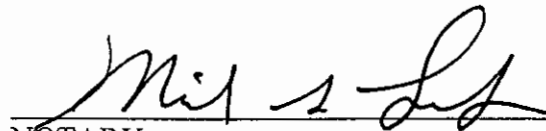
9. He has regularly been scheduled for appointments at his request, on Wednesdays and Fridays.

10. Inmate Pepper has approximately eight hours per week in the law library.

11. Mr. Pepper continues to have access to the above-listed legal resources.
12. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.

  
Ed Johnson

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8 DAY OF Feb, 2006.

  
NOTARY

# **EXHIBIT K**



**DCC LAW LIBRARY APPOINTMENTS****FOR WEEK OF: 08/15/05****FRIDAY MORNING**

	NAME	SBI	BLDG
( <input checked="" type="checkbox"/> )	CUBBAGE, JARID		W
( <input type="checkbox"/> )	ROYAL, EDWARD		V
( <input checked="" type="checkbox"/> )	FLEMING, SEBRON		W
( <input checked="" type="checkbox"/> )	ZUPPO, ANTHONY		W
( <input checked="" type="checkbox"/> )	BRUTON, RAYMOND		W
( <input type="checkbox"/> )	GRIFFIN, GREGORY		V
( <input checked="" type="checkbox"/> )	CRUMP, ERNEST		W
( <input checked="" type="checkbox"/> )	BROWN, WINFRED JR		V
( <input type="checkbox"/> )	NIEVES, LUIS		V
( <input type="checkbox"/> )	REESE, MICHAEL		V
( <input checked="" type="checkbox"/> )	REED, RONALD		V
( <input type="checkbox"/> )	BAILEY, EDMUND		W
( <input checked="" type="checkbox"/> )	PEPPER, MONTY		V

17/6

**PARALEGAL APPOINTMENTS**

	NAME	SBI	BLDG
( <input type="checkbox"/> )	SAMPSON, EUGENE		W H.S.
( <input checked="" type="checkbox"/> )	KRAFCHICK, STEVEN		V II
( <input checked="" type="checkbox"/> )	HARDEN, WALLACE		W W.S.
( <input checked="" type="checkbox"/> )	WELLS, JAMES		V II

**SPECIAL APPOINTMENTS**

NAME

SBI

BLDG

**DCC LAW LIBRARY APPOINTMENTS****FOR WEEK OF: 08/29/05****WEDNESDAY AFTERNOON**

8 + 9 = 17

NAME	SBI	BLDG
( <input checked="" type="checkbox"/> ) BROWN, WINFRED SR		V
( <input type="checkbox"/> ) DYTON, JAMES		W
( <input checked="" type="checkbox"/> ) BROOKS, DASHAWN		W
( <input checked="" type="checkbox"/> ) ROYAL, EDWARD		V
( <input type="checkbox"/> ) MORRIS, DASHAUN		W
( <input type="checkbox"/> ) BRUTON, RAYMOND		W
( <input checked="" type="checkbox"/> ) FLEMING, SEBORN		W
( <input type="checkbox"/> ) CUBBAGE, JARID		W
( <input type="checkbox"/> ) MCMILLIAN, BENJAMIN		W
( <input type="checkbox"/> ) BACON, RONALD		W
( <input type="checkbox"/> ) WIDGEON, CECIL		W
( <input type="checkbox"/> ) NEWSOME, WILLIE		V
( <input checked="" type="checkbox"/> ) REESE, MICHAEL		V
( <input checked="" type="checkbox"/> ) BAILEY, EDMUND		W
( <input type="checkbox"/> ) FRANCIS, WILLIAM		W

19  
10

- 8 + 10 = 18

**PARALEGAL APPOINTMENTS**

NAME	SBI	BLDG
( <input checked="" type="checkbox"/> ) KRAFCHICK, STEVEN		V H.C.
( <input type="checkbox"/> ) REED, RONALD		V h
( <input checked="" type="checkbox"/> ) PEPPER, MONTY		V u
( <input checked="" type="checkbox"/> ) NEWSOME, WILLIAM		V u

**SPECIAL APPOINTMENTS**

NAME	SBI	BLD
------	-----	-----

**DCC LAW LIBRARY APPOINTMENTS****FOR WEEK OF: 09/05/05****WEDNESDAY AFTERNOON**

NAME	SBI	BLDG
(✓) FOREMAN, ELIJAH		W
( ) WIDGEON, CECIL		W
(✓) ANDERSON, PETE		W
( ) BRUTON, RAYMOND <i>work release</i>		W
( ) CUBBAGE, JARID		W
( ) MORGAN, ANTHONY		W
( ) HARBER, DEMARRO		W
( ) LABERGE, ROGER		V
(✓) BROWN, WINFRED SR		V
( ) BAILEY, EDMUND		W
(✓) FLEMING, SEBRON		W
(✓) PASWUALS, MICHAEL		W
(✓) SAMPSON, DELBERT		W

0935

**PARALEGAL APPOINTMENTS**

NAME	SBI	BLDG
( ) <del>KRAFCHICK, STEVEN</del>	<del>D-E</del>	<del>V</del>
(✓) PEPPER, MONTY		V
(✓) ZUPPO, ANTHONY		W
( ) SERRANO, VICTOR		W

**SPECIAL APPOINTMENTS**

NAME	SBI	BLD
------	-----	-----

# **DCC LAW LIBRARY APPOINTMENTS** **FOR WEEK OF: 09/12/05**

**MONDAY AFTERNOON**

5 + 4 = 9

NAME	SBI	BLDG
( ) COLLINS, JOHNNY		E
(✓) ORTIZ, CARLOS		E
( ) MORGAN, THOMAS		E
( ) PARULAK, PAUL		E
( ) MARINE, RICKY		E
(✓) FINK, KENNETH		E
(✓) PAYNE, JERRY		E

11  
7

-2 + 7 = 9

## **PARALEGAL APPOINTMENTS**

NAME	SBI	BLDG
(✓) McCafferty, Hugh		E W.J.
( ) McCorkle, David		E L.K.
( ) Lofland, Amos		E A.S.
( ) Pepper, Monty		✓ 11

## **SPECIAL APPOINTMENTS**

NAME	SBI	BLDG
------	-----	------

**DCC LAW LIBRARY APPOINTMENTS  
FOR WEEK OF: 09/12/05**

**FRIDAY MORNING**

	NAME	SBI	BLDG
( )	RESSE, MICHAEL		V
( )	RICHARDSON, LARRY		V
(✓)	RIVERA, FRANCISCO		W
(✓)	ZUPPO, ANTHONY		W
(✓)	RONDON, ROBERT		W
( )	PEPPER, MONTY		V
( )	CRUMP, ERNEST		W
( )	LIONEL, ASHLEY		W
( )	JOHNSON, RYAN		V
(✓)	BROWN, WINFRED SR		V
(✓)	FLEMING, SEBRON		W
( )	BAILEY, EDMUND		W
(✓)	<i>Warrington, Robert</i>		V

17/9

**PARALEGAL APPOINTMENTS**

	NAME	SBI	BLDG
(✓)	HARDEN, WALLACE		W W J.
( )	ESDAILE, DONOVAN		W II
(✓)	CUBBAGE, JARID		W II
( )	RUSSELL, JAMES		W II

**SPECIAL APPOINTMENTS**

NAME	SBI	BLDG
------	-----	------

# **DCC LAW LIBRARY APPOINTMENTS** **FOR WEEK OF: 09/19/05**

**WEDNESDAY AFTERNOON**

7 + 10 = 17

NAME	SBI	BLDG
( <input checked="" type="checkbox"/> ) PASQUALE, MICHAEL		W
( <input type="checkbox"/> ) ELEMING, SEBRON		W
( <input checked="" type="checkbox"/> ) PEPPER, MONTY		V
( <input checked="" type="checkbox"/> ) ANDERSON, RICHARD		W
( <input type="checkbox"/> ) BAILEY, EDMUND		W
( <input checked="" type="checkbox"/> ) BROWN, WINFRED JR SR		V
( <input checked="" type="checkbox"/> ) FINK, KENNETH		W
( <input checked="" type="checkbox"/> ) BELL, DANIEL		V
( <input type="checkbox"/> ) WEIDGEON, CECIL		W
( <input type="checkbox"/> ) DEPUTY, KENNETH		W

14  
15  
5

- 9 + 5 = 14

## **PARALEGAL APPOINTMENTS**

NAME	SBI	BLDG
( <input checked="" type="checkbox"/> ) ZUPPO, ANTHONY		W W.J.
( <input checked="" type="checkbox"/> ) CUBBAGE, JARID		W II
( <input checked="" type="checkbox"/> ) BROWN, WINFRED SR		Y II
( <input checked="" type="checkbox"/> ) HARDEN, WALLACE		W II

## **SPECIAL APPOINTMENTS**

NAME	SBI	BLD
( <input checked="" type="checkbox"/> ) Fisher, Royal		C

**DCC LAW LIBRARY APPOINTMENTS****FOR WEEK OF: 09/19/05****FRIDAY MORNING**

	NAME	SBI	BLDG
( <input checked="" type="checkbox"/> )	PASQUALE, MICHAEL		W
( <input checked="" type="checkbox"/> )	FLEMING, SEBRON		W
( <input checked="" type="checkbox"/> )	PEPPER, MONTY		V
( <input checked="" type="checkbox"/> )	ANDERSON, RICHARD		W
( <input checked="" type="checkbox"/> )	BAILEY, EDMUND		W
( <input checked="" type="checkbox"/> )	BROWN, WINFRED JR		V
( <input checked="" type="checkbox"/> )	FINK, KENNETH		W
( <input checked="" type="checkbox"/> )	BELL, DANIEL		V
( <input checked="" type="checkbox"/> )	WIDGEON, CECIL		W
( <input checked="" type="checkbox"/> )	ZUPPO, ANTHONY		W

13/8

**PARALEGAL APPOINTMENTS**

( <input checked="" type="checkbox"/> )	CUBBAGE, JARID	W W.S.
( <input checked="" type="checkbox"/> )	HARDEN, WALLACE	W u
( <input checked="" type="checkbox"/> )	Fleming	W
( <input checked="" type="checkbox"/> )	Pasquale,	W
( <input checked="" type="checkbox"/> )	Pepper	V

**SPECIAL APPOINTMENTS**

	NAME	SBI	BLDG
( <input checked="" type="checkbox"/> )	Allen, Mike		S-1
( <input checked="" type="checkbox"/> )	Warrington, Robert		W.

# EXHIBIT L



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-084-JJF
	)	
Warden THOMAS CARROLL, C/O	)	
BAMBI THOMAS, C/O JAMES	)	
GARDELS, C/O THOMAS SEACORD	)	
	)	
Defendants.	)	

**AFFIDAVIT OF BRIAN ENGREM**

I, Brian Engrem, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a paralegal. I have been employed by the Department of Correction for four years. My duties include providing legal materials to inmates as requested, who are housed in the Security Housing Unit ("SHU"). The information provided to inmates is accessed through Westlaw or from existing files of the SHU Law Library. I have held this position since April 1, 2001.
2. In response to a request from the State of Delaware Department of Justice, I have obtained documentation relating to the frequency of inmate Monty Pepper's law library usage, the number of uses of the prison's notary, and the frequency and volume of copied pages of legal material provided to Mr. Pepper by the Delaware Correctional Center.
3. While in SHU, inmates are not allowed to go to the law library. They must request law library services. A log is kept of all the law library services requested by inmates in the SHU.

The requests are filled, and the items are sent to the inmate, usually within seven days of the request. On the log, "Date In" means the date the inmate's request was received by the library, and "Date Out" means the date the requested items were sent to the inmate.

4. After Inmate Pepper transferred to the SHU on September 18, 2004, he did not contact the SHU Law Library for any legal services until November 29, 2004. (See Law Library Log attached as Exhibit "E").

5. While in SHU, inmate Pepper received the services of the law library seventy seven times. Copies of case law were made for him as requested. The copy count on the log does not include copies of case law and court rules that were made for Inmate Pepper. The average turn around time for Inmate Pepper's requests was three to five days. (Exhibit E).

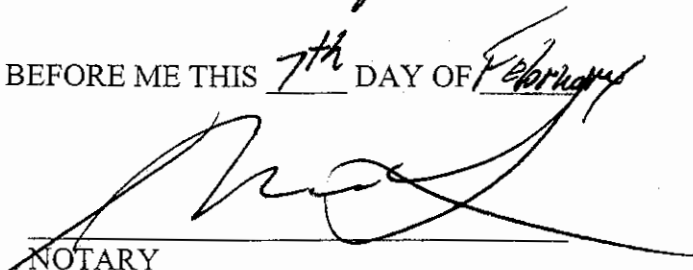
6. Paralegals who are employees of the Department of Correction do not provide legal advice, as this is considered practicing law without a license.

7. Since leaving the SHU, Mr. Pepper continues to have access to the above-listed legal resources in the Main Law Library at DCC.

8. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.

  
Brian Engren

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7<sup>th</sup> DAY OF February  
2006.

  
NOTARY

# **EXHIBIT M**

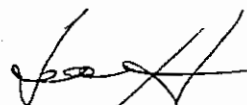
I/M Name	SBI	DATE IN	DATE OUT	ITEMS SENT
Monty Pepper	156920	11/29/2004	11/30/2004	I/M PL. Response
Monty Pepper	156920	12/2/2004	12/7/2004	Super.Ct.Cr.R.11,32,61; Ct. Cases (3) 7 pgs.
Monty Pepper	156920	12/2/2004	12/9/2004	I/M PL. Response
Monty Pepper	156920	12/9/2004	12/9/2004	Return Super.Ct.Cr.R.11,32,61; Ct.Cases (3)
Monty Pepper	156920	12/13/2004	12/15/2004	I/M PL. Response
Monty Pepper	156920	12/20/2004	12/23/2004	I/M PL. Response; Title 11 s.2301,2311,3513
Monty Pepper	156920	12/20/2004	12/23/2004	Ct. Case(1) 3pgs.; DE. Const.Art. 1s.6
Monty Pepper	156920	12/20/2004	12/23/2004	Super.Ct.Cr.R.41
Monty Pepper	156920	12/28/2004	12/28/2004	Return Title 11 s.3513,2301,2311
Monty Pepper	156920	12/28/2004	12/28/2004	Return Super.Ct.Cr.R.41; DE Const.Art. 1s.6
Monty Pepper	156920	12/28/2004	12/28/2004	Return Ct. Case (1)
Monty Pepper	156920	12/28/2004	12/30/2004	Title 10 s. 1004; Fam.Ct.Cr.R.5
Monty Pepper	156920	12/28/2004	12/30/2004	Ct. Cases (2) 9 pgs.
Monty Pepper	156920	1/10/2005	1/11/2005	Ct. Case (1) 2pgs.; Title 11 s.1109,1111; TISPg.
Monty Pepper	156920	1/10/2005	1/11/2005	Request for Notary
Monty Pepper	156920	1/13/2005	1/18/2005	I/M PL. Response; Memo Re: Beth Savitz
Monty Pepper	156920	1/19/2005	1/19/2005	Title 11 s.1109,1111
Monty Pepper	156920	1/19/2005	1/25/2005	USCA42s.1983;FPDK.4(4);Ct.Case(1)24pgs
Monty Pepper	156920	1/24/2005	1/27/2005	(1) 1983 Form
Monty Pepper	156920	1/27/2005	1/27/2005	Return FPDK4(4); USCA 42 s. 1983
Monty Pepper	156920	1/27/2005	2/1/2005	I/M PL. Response
Monty Pepper	156920	1/31/2005	2/3/2005	I/M PL. Response
Monty Pepper	156920	2/3/2005	2/8/2005	USCA 18 s.2256; Memo Re: Legal Copies

Monty Pepper	156920	2/9/2005	2/9/2005	Return Ct. Cases (2)
Monty Pepper	156920	2/9/2005	2/11/2005	Photocopies (108pgs); Ct. Case (1) 22 pgs
Monty Pepper	156920	2/16/2005	2/18/2005	I/M PL. Response
Monty Pepper	156920	2/16/2005	2/24/2005	Ct. Case (1) 24 pgs.; Address (1)
Monty Pepper	156920	3/1/2005	3/4/2005	I/M PL. Response
Monty Pepper	156920	3/9/2005	3/17/2005	FRCP 15; USCA42s.1997e&Sheps.
Monty Pepper	156920	3/9/2005	3/17/2005	FPD K.1469
Monty Pepper	156920	3/29/2005	3/29/2005	Return USCA42s.1997e&Sheps.;FPDK1469
Monty Pepper	156920	3/29/2005	3/29/2005	Return FRCP15; Ct.Cases (1)
Monty Pepper	156920	3/29/2005	3/31/2005	Ct. Cases (3) 12 pgs.
Monty Pepper	156920	3/29/2005	3/31/2005	I/M PL. Response
Monty Pepper	156920	4/4/2005	4/4/2005	Return Ct. Cases (2)
Monty Pepper	156920	4/4/2005	4/8/2005	I/M Grievance Procedures return by 4/11/05
Monty Pepper	156920	4/4/2005	4/8/2005	Atl.Dig.K.641.12(2);FPDK272(2);FRCP15
Monty Pepper	156920	4/4/2005	4/8/2005	Ct.Cases(2)7pgs;USDist.Ct.Appt.CounselF.
Monty Pepper	156920	4/11/2005	4/11/2005	Return Ct. Case (1); I/M Griev. Procedures
Monty Pepper	156920	4/13/2005	4/13/2005	Title 11 s.770-72; I/M PL. Response
Monty Pepper	156920	4/21/2005	4/21/2005	Return Atl.Dig.K.641.12(2); Title 11 s. 770-72
Monty Pepper	156920	4/21/2005	4/21/2005	Return Ct. Cases (1)
Monty Pepper	156920	4/21/2005	4/25/2005	I/M PL. Response; Sent.Red.Form
Monty Pepper	156920	4/21/2005	4/26/2005	DE S Ct Not Appl Form; IFP Form
Monty Pepper	194496	4/25/2005	4/26/2005	Ct. Case (1) 10 pgs.
Monty Pepper	156920	5/2/2005	5/10/2005	Photocopies 3 pgs.; TIS Pg.29
Monty Pepper	156920	5/3/2005	5/5/2005	I/M PL. Response
Monty Pepper	156920	5/3/2005	5/10/2005	Super.Ct.Cr.R.35
Monty Pepper	156920	5/17/2005	5/17/2005	ReturnFRCP15;Ct.Case(2);TISPg.29
Monty Pepper	156920	5/17/2005	5/17/2005	Return FPD K.272(2)
Monty Pepper	156920	5/17/2005	5/20/2005	PSHLM T.O.C.
Monty Pepper	156920	5/26/2005	6/8/2005	Ct. Cases (2) 31 pgs; Title 11 s.770-73,1109-11
Monty Pepper	156920	5/31/2005	6/8/2005	Response (See File)
Monty Pepper	156920	6/15/2005	6/15/2005	Return Ct. Cases(2);Title11s.770-73,1109-1111
Monty Pepper	156920	6/15/2005	6/15/2005	Return Super.Ct.Cr.R.35
Monty Pepper	156920	6/15/2005	6/16/2005	Photocopies 90pgs
Monty Pepper	156920	6/15/2005	6/16/2005	CC Penal Discipline-return by June 20, 2005

3/30/05

MR. PEPPER:

YOU SHOULD WRITE THE CLERK OF THE COURT  
FOR THE U.S. DISTRICT COURT, THE DISTRICT OF DEL-  
AWARE AND ASK FOR A DOCKET SHEET FOR  
YOUR CASE. INCLUDE ALL THE INFORMATION  
YOU HAVE SENT US. THIS IS THE ONLY WAY THAT  
YOU CAN TRACK YOUR SUIT.

A handwritten signature in black ink, appearing to be 'J. H.' or similar, written in a cursive style.



## GENERAL REQUEST FORM

BLD. = 18  
Cell = 28

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

1 MILTON V Morris 767 F2d 1443 9th CT

2 Tucker v Randall 948 F2d 388 7th

Cases on legal calls

3 Maclary v Carroll 2005 WL 440581 -

2+ (D Del Feb 25 2005 (NO CIV. A. 03-984(JJF))

LAW NOTE

4

RECEIVED

MAR 29 2005

SHU LAW LIBRARY

Name Monty Pepper S.B.I. 0015-6920 Date: 3/25/05

Date Received: 3-29-05 Pay-to Log #

Date Sent 3-31-05 Staff Initials: B.E.

Staff Notes: Sent: (3) Ct. Cases - 12 pgs.

Sent: 7/m B. Response  
(B.R.) 3/31/05.

RECEIVED

MAR 29 2005

SHU LAW LIBRARY

B.R.

I want to find out the  
status of my case don't  
know if that's called Sheperding  
cases or what

BUT can you get me  
the Case Log on my case  
and upcoming cases in  
U.S. District Court against DCC  
hears the case numbers  
~~the~~ Civ. No. 05-084-JJF

or

2/23/2005

case name Pepper V Carroll et al

case number 1:05-cv-84

Judge Joseph J. Farnan, Jr.  
U.S. District Court

Monty Pepper

18 B L 8

3/28/05

Thanks

They still refuse legal calls



4/25/05

Mr. Pepper:

PLEAS ARE PART OF THE SUPERIOR COURT CRIMINAL RULES, DELAWARE RULES ANNOTATED. RULE 11 DETAILS THE STEPS NECESSARY TO INSURE A PLEA IS VOLUNTARY. THE MOST FREQUENTLY USED METHOD TO ESTABLISH IF A PLEA IS VOLUNTARY IS THE PLEA COLLOQUY. SEE FRONAL V. STATE, 399 A2D 529, FOR DETAILS ON PLEA COLLOQUIES. WHEN A DEFENDANT ACCEPTS A PLEA HE ACKNOWLEDGES THAT HE IS GIVING UP AND WAIVING SEVERAL CONSTITUTIONAL RIGHTS. SEE SOMERVILLE V. STATE, 703 A2D 629. IT MUST BE CLEAR ON THE RECORD THAT A PLEA IS VOLUNTARY. BROWN V. STATE, 250 A2D 503. YOU MAY RESEARCH PLEA BARGAINS UNDER THE FOLLOWING WEST DIGEST TOPICS: CRIMINAL LAW-36.6, 273.1(2) 273.1(4); ATTORNEY/CLIENT 47.1; SENTENCING AND PUNISHMENT 2264, 2272.

DELAWARE'S RULES OF EVIDENCE, DEL. RULES ANNOT., ARTICLE IV, "RELEVANCY AND ITS LIMITS" ARE CONTAINED IN RULE 401-415. GETE V. STATE, 538 A2D 706, DEALS WITH A PRESUMPTION OF INNOCENCE IN A SEX CASE UNDER RULE OF EVIDENCE # 413.

THIS MATERIAL IS AVAILABLE FROM THE S.H.U. LAW LIBRARY.

RECEIVED

APR 25 2005

LAW LIBRARY

(03)

JH

The Grievance Procedures can be signed out from SHU Law Library upon request (B.E.)

## GENERAL REQUEST FORM

BLD. # 18  
Cell # 28

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

- 1 Rule 15 Federal Civil Judicial Procedure and Rules can't read writing?
- 2 Freeman v Snyder 2001 EW L5 15 L5 8  
inmate at DCC Amended complaint To include more defendants  
have 15+ now in shour of amunity from monty Relise
- 3 42 USCA § 1997 e sutes By Prisoners  
on nominal Damages Federal Practice Digest 4<sup>th</sup>  
1469 (B.E.)  
Key 1461 Civil Rights
- 4 need case Law on 42 1997 E (c) Dismissal  
~~under~~ Sir As This case enters Court I will need more than 5 for E  
is Ther Law Pretaining To greavance system it is corrupt!  
Sute has been assigned a Judge on 23 need asap  
Name Monty Pepper S.B.I. 00156920 Date: MAR 8 AS THANKS

Date Received: RECEIVED MAR 09 2005

Pay-to Log # \_\_\_\_\_

Date Sent 3-17-05

Staff Initials: B.E.

Staff Notes: Sent FRCP 15; usca 42 s. 1997 e & Shops; FRD K 1469

I have contacted ACLU for help as is the restrictions to access Law Library is damagains to this sute as is I informed the C. I. I am glad of every of my problem hope they understand delays

Office of Disciplinary Counsel

3/3/05

MR. PEPPER:

PLEASE READ RULE 15, FEDERAL CIVIL JUDICIAL PROCEDURE AND RULES, IN THIS RULE IT IS STATED THAT THE COURT WILL GRANT LEAVE TO AMEND PLEADINGS FREELY "IN THE INTEREST OF JUSTICE." IN FREEMAN V. SNYDER, 2001 WL 51525 THE PLAINTIFF, AN INMATE AT DCC, AMENDED HIS COMPLAINT TO INCLUDE THE WARDEN AND OTHERS IN THEIR OFFICIAL CAPACITY.

YOU SHOULD OBTAIN A COPY OF 42 USCA § 1997e, SUITS BY PRISONERS. YOU MAY WISH TO REVIEW CASE LAW ON NOMINAL DAMAGES, FEDERAL PRACTICE DISTRICT 4<sup>TH</sup> KEY 1461, CIVIL RIGHTS. YOU SHOULD ASK FOR CASE LAW ON 42 § 1997e(c), DISMISSAL. UNDER PART (1) OF THIS SECTION THE COURT CAN DISMISS CASES THAT ARE FOUND TO BE MALICIOUS.

REQUEST FOR FORMS, RULES, STATUTES AND CASE LAW SHOULD BE DIRECTED TO THE SHU LAW OFFICE.

RECEIVED

MAR 03 2005

LAW LIBRARY

(05)

Lee A

Very important Need ASAP has  
 To Be sent By 15<sup>th</sup> need to change if needed  
 GENERAL REQUEST FORM BLD. # 18  
 civ no 05-084-JJF Cell # 48

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

Sir need To know if "Warden Carroll" is immune  
 from monetary Relief or does he represent DOC  
 on my state Distric Court only Put Warden Carroll and  
 Lane doe and John doe <sup>as "defendants"</sup> officers "NOT" Department of Correction  
 should it Be "DOC" in seted of "Warden Carroll" if so  
 how do I change? Send any forms now with Reply plea  
 "no Time" only have untill '15 march' on my ACT 42  
 form I put Warden Carroll & Department of Correction on the  
 first Page But failed To Put on Page 3 III Parties  
 "B" only Put "Warden Carroll" and "Lane & John doe officers"  
 NOT "Department of Corrections" been ok'd for in forma pauperis  
 But the filing fee is ~~250~~ 250 not 150? don't know why

Name Monty Pepper S.B.I. 00156970 Date: Feb 28 05

RECEIVED MAR 0 1 2005

Date Received: \_\_\_\_\_ Pay-to Log # \_\_\_\_\_

Date Sent 3-4-05 Staff Initials: B.E.

Staff Notes: Sent: Fr PL Response.

If I need To ammend defendants to DOC,  
 send Papers with Response. Do you think 1.5 million  
 is not a lot for punitive and mental and emotional damages? or



## GENERAL REQUEST FORM

BLD. # 18  
Cell # 48

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

1 I need Larnce V Texas BackCite as 539 US 558 123 SCR 2472I only have 2 other Pices This 5-for-5 is restrictivemust  
have

I need an address To governors office  
or governors Task Force on prison  
Legislative Hall, Dover, DE. 19901

2 is There Law pretaining To prison  
verbal and physcial abuse humelation mental  
Physcial depravation.

if sute is denied at Distric court heral which it is  
Can I appeal To "US Cort of Appeals" if so need paper work & Rules

Name Monty Pepper S.B.I. 00156920 Date: Feb 15 05

Date Received:

RECEIVED

FEB 18 2006

Pay-to Log #

Date Sent

2-24-05

Staff Initials:

B.E.

Staff Notes:

Sent: (1) Ct. Case - 24 pgs. ; (1) Address

sute has been sent, no ansur back yet! if need To appeal  
would it be is US cort of appeals circuit court # (what) do you have  
al

3 Circuit  
Appeal

February 17, 2005

Mr. Pepper:

42 U.S.C. § 1997ee applies to claims for mental or emotional injury. *Rowe v. Shake*, 196 F.3d 778 (1999). The other descriptive words do not implicate the statute. However, a deprivation of Eighth Amendment right standing alone is a cognizable injury. *Rhodes v. Chapman*, 452 U.S. 337, 344, 101 S.Ct. 2392 (1981)

See Federal Rules of Appellate Procedure 3 for appeals from judgments and orders of district court; Local Appellate Rules 3.4 Notice of Appeal in pro se cases.

The referred statutes, case law, court rules, and notice of appeal for the third Circuit are available through Mr. Brian Engrem, SHU Law Library

RC

## GENERAL REQUEST FORM

BLD. = 18  
Cell = 48

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

1 I need Larnce V Texas BackCite as 539 US 558 123 SCR 2472I only have 2 other Pices This S-for-E is restrictivemust  
Have

I need an address To governors office  
or governors Task Force on prison

2 is There Law pretaining To prison

\* verbal and physcial abuse humclation mental  
Physcial depravation.

\* if sute is denied at Distric court level which it isyet Can I appeal To "US Cort of Appeals" if so need paper work & RulesName Monty Pepper S.B.I. 00156920 Date: Feb 15 05Date Received: **RECEIVED** FEB 16 2005Pay-to Log # **RECEIVED**Date Sent 2-18-05Staff Initials: B.E. FEB 17 2005

LAW LIBRARY

Staff Notes: Sent: \* I/m PL. Response.

sute has been sent, no ansur back yet! if need To appeal  
would it be is US court of appeals circuit court (what) do you have

Legal Materials are not photocopied for you to have as your own or any other purpose. B.E.

## GENERAL REQUEST FORM

BLD. # 18  
Cell # L8

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

I need 3 copys of inclosed Sute and original

As soon as possible

(sent Back 399 A 2d 529 returned)

need 1 copy of Larnce V Texas

Cite as 539 US 558 123 SCT 2472 (23 pages)

need Ascroft V The free speech Colation

122 SCT 1389

need Pub L 108-21 Title V § 502 (A) 3

Apr 30 2003 117 STAT 678

Thanks

I only have one case law now

• Dose This sute need to be noterised

Name Monty Pepper S.B.I. 00156920 Date: Feb 8 05

Date Received: RECEIVED FEB 26 2005 Pay-to Log #         

Date Sent 2-11-05 Staff Initials: B. E.

Staff Notes: Sent: Photocopies - 108 pgs.; (1) Ct. Case - 22 pgs.



February 8, 2005

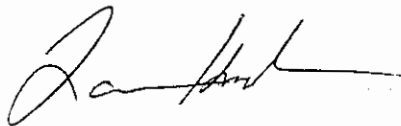
Monty Pepper:

In a 42 § 1983 Civil Rights action, you can ask for monetary relief. You can ask for nominal damages and/or punitive damages. See Hock v. Tripedeau, 238 F.Supp.2d. 446

However, when you ask for money you create two more grounds to have your case dismissed. First, your case can be dismissed if it "seeks monetary relief from a defendant who is immune from such relief." Second, by asking for a disproportionately large amount of money your case can be dismissed as "malicious". Both of these grounds are codified in Title 42 § 1997e of the United States Code.

Hock v. Tripedeau, 238 F.Supp.2d 446 and 42 USC § 1997e are available to you from the SHU law library.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Smith' or similar, written in a cursive style.

Monty Pepper Sent: \* In Pl. Response  
18 B. L.S. CO156920 (BE)  
ASAP 2/1/06  
Mr Ingram B.E.

Sorry for The hassle

I I need another form for Sute  
complaint messed up Page 1-2  
us Distric Courts "  
Distri of Del

\*  
sent to main L.C. 2  
3 can I sue for monty Relife  
in This court \$1.5 mill on punitive  
and other realif have Plenty of Proof  
dose This need To be noterised  
if yes set it up for as soon  
as possible I have IT Ready  
and am Ready To file

After it's noterised I send To  
you For copys ?

RECEIVED FEB 07 2006

named Wardon Carroll  
and Department of Corrections  
as defendants This is 19 pages  
long all on The same issue abuse  
of Powers and inmates re guess  
I'll need 4 copys 1 for me 3 for court  
"other inmates want To be witnesses  
"got new attorney"

## GENERAL REQUEST FORM

BLD. # 18  
Cell # 18

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

Please send me The forms To file sute agensT DCC  
I sent a request Frxday don't know if you got it The won't give me  
general Request forms or any other forms in hear requested  
sick call and grievance forms today and was denied one guard said NO!  
Also There was a supream court Roling on  
fake - computer genrated Photos, This was  
Probibly a computer child Porn - nudeST - or  
copy Right case IT covered That There was no victom  
on computer genrated images, you might check on  
ACLU web site This was in The past 2 years was used  
To define child Porn

\* Sent to main L.L. (B.E.)

Name Manty Pepper S.B.I. 00156920 Date: Jan 24 05Date Received: RECEIVED JAN 27 2005 Pay-to Log # \_\_\_\_\_Date Sent 2-1-05 Staff Initials: B.E.Staff Notes: Sent: Frm PL Response.

## GENERAL REQUEST FORM

BLD. # 1813  
Cell # 28

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

- 1 Laurence V Texas 123 S.Ct. 2472
- 2 Prisons Key #4 (4) westkardigest Pretrial concl.
- 3 Civil Rights Act 42 USCA § 1983

Not Sure > how do I contact minners Task Force  
 (B.E.) 4 2002?  
in 2003-4 SUPREME COURT Ruling on fake images  
and no victim associated with computer generated  
images on The Internet & PC's I think  
The ACLU was involved  
wish I lived in Canada Canada we all would  
be free "socialism" do you have anything  
on that when are we a socialist ~~country~~ country  
how do we stop it!

Name Monty Pepper S.B.I. 0015-6920 Date: Jan 18 05

Date Received: RECEIVED JAN 19 2005 Pay-to Log # \_\_\_\_\_

Date Sent 1-25-05 Staff Initials: B.E.

Staff Notes: Sent: USCA 42 § 1983; FPD K. 4(4); (1) Case - 24 pgs.

Need

1/14/05

MR PEPPER:

YOU CAN FIND CASE LAW ON PRE-TRIAL CONDITIONS OF CONFINEMENT UNDER PRISON'S KEY #4(4) WEST'S DIGEST KEY NUMBER SYSTEM. YOU MAY FILE A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 USCA § 1983, IN DELAWARE DISTRICT COURT IF YOU FEEL YOUR RIGHTS ARE BEING VIOLATED.

THE CASE YOU MAY BE REFERRING TO IS LAWRENCE V. TEXAS, 123 S.Ct. 2472. THIS CASE INVOLVES TWO MEN AND THE ACTS THEY ENGAGED IN, IN THE PRIVACY OF THEIR HOME.

PLEASE REFER TO TITLE 11 § 1103, DEFINITIONS RELATING TO CHILDREN, DELAWARE CODE ANNOTATED, VOLUME 7. THIS STATUTE DESCRIBES PROHIBITED SEXUAL ACTS AND SIMULATION OF SEXUAL ACTS BY CHILDREN OR THOSE WHO APPEAR TO BE CHILDREN. ASHCROFT V. AMERICAN CIVIL LIBERTIES UNION, 124 S.Ct. 2785, THIS CASE CONCERNED THE APPLICATION OF THE CHILD ONLINE PROTECTION ACT (COPA), 47 USCA § 231. THE ADDRESS FOR THE ACLU OF DEL. IS:

100 WEST 105 ST., SUITE 309

WILMINGTON, DE. 19801

THESE KEYS, STATUTES AND CASE LAW ARE AVAILABLE FROM THE S.H.U. LAW OFFICE.

Drew Fenelle

*[Signature]*



I may have court on the 30

Thanks  
Monty Xmass

## GENERAL REQUEST FORM

BLD. # 1513  
Cell # L8

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

- 1 I need 108 1004 Duties of officer  
in custody / is This The same if  
Child is not in custody ?
- ✓ 2 State v Rossitto 331 A 2d 385
- 3 Search and Seizure 11 DelC 2P 2301 2311  
Del const art I § 6
- 4 Court Criminal Rule 41
- QUESTIONS 5 Are Legal Calls from DCC a Right  
or a privilege . I have been denied call  
6 questioning child with out permission  
During a search warrant dose this constitute  
The abuse of search warrant can it Through it out !

Name Monty Pepper S.B.I. 00156920 Date: Dec 15 04Date Received: RECEIVED 12 20 2004 Pay-to Log # RECEIVEDDate Sent 12-23-04 Staff Initials: B.E. 12 21 2004Staff Notes: From PL. Response; Title 11s. 2301, 2311, 3513 IAN LIBRARY  
Sent: OCT. Case - 3pgs; DE. Const. Art 1 s. 6; Super. Ct. Cr. R. 41

" Can case or search warrant be desmessed !  
question 6 I not concerned what my son said he is my  
witness Police would had been aware of That dose  
This cause a major Problem in Their case question 11

Emr  
Ref  
12/21/4

## GENERAL REQUEST FORM

BLD. # 18  
Cell # LS

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

1. Sirs I need Title 108 1004 you sent 11 3573

This deals with statement of abused child my son is not  
accuser he is my witness The cop asked questions about  
The case to get info. cop did this secretly! my son  
was heading for my sisters car. cop did not ask if he was in danger  
he was not. This information can be used to inform the  
accuser which is lying! have proof

2. Divers v. D.O.C. 921 F.2d 191

Family court Criminal Procedure Rule 5(b)

3. Palmer v State 626 A.2d 1358

4. have any extra state Paper they would give any hear  
constitutionality of sentences by Legislature and plea Bargain system

Name Monty Pepper S.B.I. 00156920 Date: Dec 26 04

Date Received: RECEIVED DEC 28 2004

Pay-to Log # \_\_\_\_\_

Date Sent 12-30-04 Staff Initials: B.E.

Staff Notes: Sent: Title 105. 1004; Fam. Ct. Cr. R. 5;  
(2) Ct Cases - 9pgs.

Is plea bargain system legal Blackmail? so The reason  
for higher and higher sentences yet low in a plea

1e  
mandatory  
sentencing  
guidelines

Blackmail

## GENERAL REQUEST FORM

BLD. # 18 B  
Cell # 48

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

need The Law Rules ? on police  
questioning a child - without permission  
is it Legal ? did The police break The Law  
(not worried about admissiblat in court)  
can They do That  
Also can Police Keep property  
Taken from home ~~Tha~~during search  
warrant when not any Part of a crime  
Rules - Laws

Thanks SAP

Name Monty Pepper S.B.I. 10156920 Date: Dec 8 04

Date Received: RECEIVED DEC 13 2004 Pay-to Log # \_\_\_\_\_

Date Sent 12-15-04 Staff Initials: B.E.

Staff Notes: Sent: Fm Pl. Response RECEIVED

DEC 13 2004



# **EXHIBIT A**

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY

STATE OF DELAWARE

v.

MONTY C. PEPPER

SBI No. 00156920

I.D. No. 0401017318

RECEIVED AND  
FILED

05 JUL 20 AM 10:24

NOT JUSTY  
PROTHONOTARY

ORDER

This 19<sup>th</sup> day of July, 2004, upon consideration of defendant's motion for sentence reduction, response in opposition to the motion by the Deputy Attorney General, prior record, and the sentence imposed upon the defendant;

**NOW, THEREFORE, IT IS ORDERED** that defendant's motion for reduction of sentence is ***DENIED*** for the following reason(s):

- ☐ The sentence in this case was imposed pursuant to a Plea Agreement between the State and the defendant and signed by the defendant.
- ☐ The motion was filed more than 90 days after imposition of the sentence and is, therefore, time-barred. The Court does not find the existence of any extraordinary circumstances.
- ☐ Pursuant to Superior Court Criminal Rule 35(b), the Court will not consider repetitive requests for reduction or modification of sentence.
- ☐ The sentence imposed is mandatory and cannot be reduced or suspended.
- ☐ The sentence was imposed after a violation-of-probation hearing was held, and the Court determined the defendant had violated the terms of his probation. The defendant is not amenable to probation at this time.
- ☒ The sentence is appropriate for all the reasons stated at the time of sentencing. No additional information has been provided to the Court which would warrant a reduction or modification of this sentence.

☐ Other: \_\_\_\_\_

  
Honorable James T. Vaughn, Jr.

cc: Prothonotary  
cc: Marie O'Connor Graham, Esquire.  
Beth Deborah Savitz, Esquire.  
Evelyn Stevenson, DCC Classification Officer  
Monty C. Pepper, DCC

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR Kent COUNTY

STATE OF DELAWARE

V.

Monty C Pepper,  
Defendant,

18 04-02-0544  
18 04-03-0368  
18 04-03-0367  
18 04-03-0351  
18 04-03-0366  
C. A. No. 18 04-03-0352  
I.D. No. 0401017318  
0402012084

NOTICE OF MOTION

PLEASE TAKE NOTICE, that the attached Motion To  
Reduce will be presented at the convenience of the  
Honorable Court, \_\_\_\_\_

Monty C Pepper  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: June 16 05

## IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR Kent COUNTY

State of Delaware )

vs. )

Monty C Pepper )

Correct full name of Movant )

Movant's Alias(es), if any )

DOB: 3 28 1959 )SBI: 00 156920 )ID No. 0401017318Crim. Action Nos. 1K 04-02-05941K 04-03-03511K 04-03-03521K 04-03-03661K 04-03-03671K 04-03-0368Motion for Reduction

(Sentence Reduction/Modification)

1. The Court imposed Movant's sentence on the following date: 4 15 05
2. The judge who imposed the sentence was: James Vaughn Jr
3. Offenses for which Movant was sentenced and length of sentence(s):

K 04-02-0594 Rape 2nd Trust 10 yr 1 yr Lev 4 8 yr pro 3K 04-02-0351 child porn comp 1 yr Lev 5 / 2 Lev 3K 04-03-0352 child porn comp 1 yr Lev 5 / 2 Lev 3K 04-03-366 Poss child Porn 6 m Lev 5 2 yr Lev 31K 04 03 0367 Poss child Porn 6 month Lev 5 / 2 year L 31K 04-03-0368 Poss child Porn 6 month Lev 5 / 2 year L 3

4. State the grounds upon which you believe that the Court should modify or reduce your sentence. You must state the relevant facts in support of the grounds you raise:

smx

Ground one: 1-1 illegal Sentence Plea Constitutional

Ground one: Under Lawrence v Texas 539 US 558 1235 CT 2472

Supporting facts: A Law branding one class of persons as Criminal

Based solely on the States "moral disapproval" of that class and "conduct"

Associated with that class runs contrary to the values of the constitution and  
"Equal Protection Clause" under any standard of review Laws banning <sup>1-1</sup> →

Ground two: 2-1 illegal Sentence

Supporting facts: Constitutionality of child porn possession  
Law

Ground three: 3-1 illegal Sentence

Supporting facts: denial of Constitutional Rights  
11-1111-Through comp use download —

Ground four: 4-1 illegal Sentence

Supporting facts: Constitutionality of Age of consent.  
Del code 11 Del code 770-773

Wherefore, in light of the above, Movant asks that the Court modify/reduce his/her sentence as follows: \_\_\_\_\_

I wish for my "10 year manditary"  
To be reduced To "2 year" or Less  
Porn charges To be reduced To "Probation"  
"give me and my son's Life back" address  
The constitutional issues I am a Political Prisoner  
Stop The Religous ~~Terror~~ respect "Liberty"  
Controle

\_\_\_\_\_  
Signature of attorney (if any)

I declare the truth of the above under penalty of perjury.

June 14 05  
Date signed

  
\_\_\_\_\_  
Signature of Movant (Notarization not required)

Fear of The government is why I Took a Plea  
130 years is a death Threat government Tiernice  
is destorying Familys Lives Fear of The government  
and State is unconstitutional

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

Monty Pepper Petitioner

vs.

State of Delaware

Respondent

C.A. No. \_\_\_\_\_

Jury Trial Demanded:

yes\_\_\_ no\_\_\_

**PETITION FOR RETURN OF PROPERTY**

Pursuant to 16 Del.C. § 4784 (j) and Superior Court Civil Rule 71.3, Claimant petitions the Court for return of property seized pursuant to 16 Del.C. § 4784.

1) (a) Name of Claimant Monty C Pepper

(b) Address 228 ~~Bear~~ Golden Rd  
Felton Del 19943

(c) Telephone Number 284 9435

2) Description of the property sought to be returned:

1 Dell 933mhz computer 1 Celaron

1 CRRW maddog riter misc DVDs

Other computers not involved  
in any crime taken during search warrant

3) Description of your ownership/interest in the property and how you acquired it:

The Dell was purchd new is my sons computer

CRRW Purchd from store The rest

Purchd misc from saile Auction



- 4) (a) Date when property was acquired: Jan 27 unknown  
(b) From whom property was acquired: unknown Dell - Office max

- 5) Provisions of 16 Del. C. § 4784 relied on in asserting that the property is not subject to forfeiture: (e.g., property was unlawfully seized or used without owner's consent - See attached statute)

The 2 used in suspected crime without hard dr  
The property was not used in any  
crime should be returned and others

- 6) Facts supporting response to question 5:

Evidence shows That They were not used in  
Crime and ones suspected Hard drives can be debt  
The others hold Family Photos

Wherefore, the Petitioner hereby prays that the Court grant this Petition for Return of Property, granting such relief as the Court may deem just and fair under the circumstances.

  
\_\_\_\_\_  
Signature

Date: Jan 11 05



### VERIFICATION

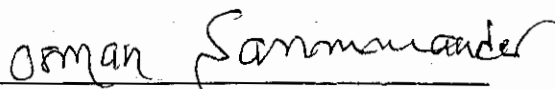
STATE OF DELAWARE:  
NEW CASTLE COUNTY: SS.

Comes now Monty Pepper, and having been sworn according to law deposes and says that he/she is the Petitioner in the foregoing Petition for Return of Property and that the matters stated in said Petition are true and correct to the best of his/her knowledge, information and belief.

  
Signature

Date: 1 12 05

Sworn to and subscribed before me this 12th day of January, 2005.

  
Notary

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

**IN AND FOR NEW CASTLE COUNTY**

	)	
	)	
	)	
Petitioner	)	
	)	C.A. No. _____
vs.	)	
	)	
State of Delaware	)	
	)	
Respondent	)	

**ORDER**

Now, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Defendant's Petition  
for Return of Property is granted in the following respects:

---

---

---

---

---

---

---

\_\_\_\_\_  
Judge

Date: \_\_\_\_\_